

Serial No. 10/517,911

REMARKS

Thorough examination of the application is sincerely appreciated.

According to the Final Office Action, claims 1-3, 5 and 7 were rejected under 35 USC 102(e) as being anticipated by UK Patent Application GB 2330745A (hereinafter "Reesor"). Further according to the Final Office Action, claim 4 was rejected under 35 USC 103(a) as being obvious over Reesor in view of the publication entitled "Signal Processing VII" (hereinafter "Martin"). Still further according to the Final Office Action, claim 6 was rejected under 35 USC 103(a) as being obvious over Reesor in view of US Patent 5,293,784 (hereinafter "Genter").

In response, the rejections are respectfully traversed as lacking sufficient factual support and failing to establish a prima facie case of anticipation and obviousness in accordance with the established cases and statutory law.

To conclude the prosecution of the application and without conceding any statements or waiving any arguments in the Final Office Action, claim 1 is amended to clarify the patentable subject matter as argued in the previous response and now incorporated into Applicants' claim.

As conceded by the examiner in the Final Office Action, Reesor fails to teach or suggest Applicant's feature of "a dedicated non-stationary echo canceller for distinguishing between stationary and non-stationary echo components in order to suppress only the non-stationary echo components", as now recited in claim 1. Reesor merely discloses a simple low-pass FIR filter used as the non-linear processor (NLP). Such a simple structure is not equivalent to Applicant's dedicated non-stationary echo canceller and is unable to perform the functions of Applicants' dedicated non-stationary echo canceller. Clearly, Applicants' feature distinguishes the claimed invention over the Reesor reference.

If the examiner still believes otherwise and maintains the rejection based on the same

portion of the Reesor reference, he is respectfully requested 1) to specifically point out where such a disclosure can be found in Reesor; 2) to provide an affidavit stating facts within his personal knowledge; or 3) to provide a prior art reference stating the same, because the examiner's interpretation of Reesor can't be supported by the record.

According to the binding case law established by U.S. Court of Appeals for the Federal Circuit and its predecessor Court (as interpreted in Section 2131 of the MPEP), to anticipate a claim, the reference must teach each and every element of that claim. As discussed above, Reesor is woefully deficient in teaching each and every element of Applicant's claim 1. It is, therefore, respectfully submitted that independent claim 1 is not anticipated by Reesor. Withdrawal of the rejection is respectfully requested, as it cannot be sustained legally.

Claims 2-7 depend from independent claim, which has been shown to be allowable over the prior art references. With respect to those claims, it is respectfully submitted that Martin and Genter are cited to allegedly show other features in Applicants' claims, but are not cited to cure deficiencies in Reesor with respect to claim 1, as discussed hereinabove. Since Martin and Genter fail to cure the deficiencies in Reesor with respect to features in claim 1, and those features are recited in claims 2-7, those claims are also distinguishable over the prior art of record at least for those reasons. Applicants submit that the reason for the rejection of claims 2-7 has been overcome and respectfully requests withdrawal of the rejection and allowance of the claims.

In view of the above, it is respectfully submitted that Reesor, Martin and Genter, whether alone or in combination, do not anticipate or render obvious the present invention as recited in claims 2-7.

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An earnest effort has been made to be fully responsive to the Examiner's correspondence and advance the prosecution of this case. In view of the above amendments and remarks, it is believed that the present application is in condition for allowance, and an early notice thereof is earnestly solicited. However, if for any reason this application is not considered to be in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney at the number listed below prior to issuing a further Action.

Please charge any additional fees associated with this application to Deposit Account No. 14-1270.

Respectfully submitted,

By 

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914-333-9602

December 15, 2006